IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17514 of 2005

Between:

1. Sk.Meera Saheb, s/o Late Vonnuru Saheb,
   r/o Payakapuram, Vijayawada, krishna District.
2. Sk.Babu Rao @ Babul Saheb, s/o late Vonnuru Saheb,
   r/o Payakapuram, Vijayawada, Krishna District.
3. Gopidi Savithri, w/o G.V.Ramana Reddy,
   r/o Thatikondavari Veedhi, Krishnalanka, Vijayawada, Krishna

District.

..... PETITIONERS

AND

1 The District Collector, Guntur District.
2 The Commissioner, Municipal Corporation of Guntur, Guntur.
3 The Superintendent Engineer, A.P.Southern Power Distribution Company Limited, 4/3, Brodipet, Guntur.
4 The Revenue Divisional Officer, Kannavarithota, Guntur.
5 The Mandal Revenue Officer, Guntur.

.....RESPONDENTS

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17514 of 2005

ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of the respondents in making preparations to encroach the land of the petitioners and trying to lay foundation stone for construction of a sub station in the land admeasuring 514 sq.yards in Survey No.32/D of Nallapadu village which is within the limits of Guntur Municipal Corporation, without issuing any notice or without acquiring the said land as bad arbitrary and illegal and violation of principles of natural justice and consequently direct the respondents not to interfere with peaceful possession and enjoyment in respect of the land of the petitioners admeasuring 514 sq.yards in Survey No. 32/D of Nallapadu village.

The case of the petitioners is that the petitioners 1 and 2 are alleged to be the owners of the land admeasuring 514 sq.yards in Survey No. 32/D of Nallapadu

village. It is stated that on 09.10.2003, petitioners 1 and 2 offered to sell the subject land to the third petitioner and they entered into an agreement of sale by receiving substantial sale consideration. The petitioners 1 and 2 also sold out 290 sq.yards out of 0.55 ½ cents in favour of one G.Venkataramana Reddy by registered sale deed, dated 22.03.2003 and also agreed to sell 355 sq.yards in favour of one T.Gali Reddy by an agreement of sale, dated 09.10.2003. Earlier the respondents tried to interfere with the possession and enjoyment of the petitioners, the petitioners filed W.P.No.22807 of 2003 before this Court and this Court granted interim directions to the respondents. In the mean while, the respondent corporation is trying to establish a sub station in the land, which was purchased by the third petitioner from the petitioners 1 and 2. In this regard the third petitioner also issued legal notice to the respondents on 02.08.2005 mentioning true facts. But the respondent corporation without having any right, title or interest over the subject land trying to establish substation in the land in question without following the due process of law. Therefore, the petitioners are constrained to file this writ petition.

Heard the learned counsel appearing for the petitioners and learned standing counsel for the respondents.

On perusal of the material available on record, it came to light that earlier when the respondents tried to establish substation in the subject land the petitioners filed Writ Petition No. 28575 of 2003 before this Court and obtained interim direction not to interfere with the land of the petitioners. In that view of the matter, I deem it appropriate to dispose of this writ petition at the admission stage

In the result, the writ petition is disposed of with a direction to the respondents not to interfere with peaceful possession and enjoyment in respect of the land admeasuring 514 sq. yards in Survey No.32/D of Nallapadu village without following the due process of law.

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08-08-2005

kvrm

Note: Issue wire at

at party’s costs

b/o kvrm